

TRANSITIONAL JUSTICE FOR THE WOMEN VICTIMS OF 'THE DISAPPEARED' IN POST-CONFLICT DEVELOPMENT SETTLEMENTS IN NORTHERN SRI LANKA

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Disappearances in Jaffna during 1996/1997 had been a controversial human rights issue which had gained much attention from the UN, International and National HR organizations. According to the Working Group on Enforced or Involuntary Disappearances in 1996, the highest number of disappearances, 622, occurred in 1996 in Jaffna peninsula, where security forces regained control of it. The quest for justice and truth has been underway for several years, causing serious impacts on the women victims of 'the disappeared' within the Jaffna Tamil culture. The government has made several attempts to address this problem, however, justice for the victims is still at crossroads. The transition from conflict to post conflict development in Sri Lanka is an opportunity to bring justice within a transitional justice framework by creating a democratic strategy. This study investigates development strategies and the different impacts in bringing transitional justice.

This study uses qualitative research methodology. Life history interview of the 20 victims and documentary reviews were used. 20 cases were randomly selected – 10 from around Thenmarachi area and another 10 cases from Valikamam area. The study focuses on the serious social stigma of the women victims and exploring options for bringing justice. It argues that the victims are being exposed to cultural, social, economical and psychological impacts, creating a double form of anguish. The previous initiatives of the government do not reflect fairness, transparency, accountability, and inclusiveness of different stakeholders in the inquiry process. The collapse of rule of law, an ineffective police system, a culture of impunity and the absence of witness protection in the conflict zone areas were a barrier for obtaining justice. The present scenario is an opportunity to establish truth about the whereabouts of the women victims' loved ones to end this problem. This study finds that providing a holistic and integral reparative programme for the victims and their families and a consultative truth finding process are important steps towards ensuring justice for the victims. This can be achieved through integrating restorative justice approach into national legislation.

Key Words: Transitional Justice, Women victims, Disappearances, Post-conflict development

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